

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
February 23, 2009**

1. Call to Order – 6:02pm

2. Roll Call

Members Present: Lane Adamson, Dorothy Davis, Kathy Looney, John Lounsbury, Dave Maddison, Richard Meehan, Eileen Pearce, Laurie Schmidt

Members Not Present: Jan Kluver, Don Loyd

Staff Present: Charity Fechter, Jim Jarvis

Visitors: Tom John Pendergast, Margaret Stecker

3. Minutes

MOTION: To approve the minutes of the January 26, 2009 meeting with corrections. Moved by Kathy Looney; seconded by Dorothy Davis. Motion passed unanimously.

4. President's Comments

A. Welcome to new member Richard Meehan.

B. Asked the board if they wanted to go back to a 7 p.m. start time since the press of business is much less. The board members all preferred the earlier start time, as did an applicant's representative who was in attendance. The 6 p.m. start time will remain.

5. Opportunity for Public Comment

Tom John Pendergast –Property owner on the Big Hole River attended the meeting for information on streamside protection regulations. All of his land in Madison County is in the floodplain, and he wanted to know how it is affected and how the mapping was done. He is concerned about over regulating private property; devaluing property with regulation. Doesn't want to see a blanket streamside setback. Wants to see solid information. *Jim Jarvis and Charity Fechter provided a basic review of the Big Hole River setback regulations and floodplain mapping studies. Charity encouraged Mr. Pendergast to attend upcoming meetings scheduled for the Big Hole River area which will include a discussion on the mapping process used.*

6. Public Hearings (6:15) - none

7. Pre-Application

A. Lot 1, Uline Bench. Lot 1, COS 100, Uline Bench; located in the NE1/4, Section 25, T11S, R1E, PM, on the west side of US 287 approximately 23 miles south of Cameron and 3 miles north of the MT 87/US 287 intersection. (Owner – Glass is Half Full, LLC).

Jim Jarvis presented an overview of his staff report as included in the packet and on file. The property owner wishes to split the existing 20 acre parcel into two 10 acre lots. Written and verbal comments, on file from several agencies, were also reviewed. In general these letters expressed opposition to the requested setback variance, citing concerns of safety (ridgeline stability) and impacts to the river viewshed and wildlife habitat.

Margaret Stecker, representative of Glass is Half Full, LLC described the project and the variance request. The property is defined by a steep cliff edge dropping 50 feet to the river level. Further back from the cliff is the secondary ridge shown on the pre-application development map. The proposed 200 foot setback is behind this ridgeline at a 100 foot elevation. The variance request is based on the concern that the required 500' setback is so far back from the river that the view of the river would be lost. Ms. Stecker proposed that the variance request for a 200 foot setback would minimize the visual impact of a new building of limited height, when viewed from the river below the property and provide adequate separation from the steeper slope and cliff areas.

Board Comments:

- Access is a concern in this area during winter, without plowing.
- Does the property owner intend to sell the other lot? Yes
- This area is a wildlife area for antelope and elk. If the variance is granted, wildlife migration routes may be blocked by development near the ridge.
- The preliminary plat application will need to provide additional information to justify the variance request. A variance request based on a desire for a "nice view" or "more money" is not enough to justify a hardship.
- Would the owner consider a larger setback than 200 feet? *Willing to do what is needed. Would prefer minimum amount possible. Has a plan based on original view.*
- Structure height? 19'
- This lot has better access than the others in the area.
- 5 large animals on 10 acres, as provided by existing covenants, will cause negative impacts. Additional subdivision conditions may be necessary. *Not necessarily owner's intent to put grazing animals out there. Primarily sagebrush vegetation. Can make covenants stricter.*
- Wildlife-friendly perimeter fencing is recommended? *A perimeter fence is in place.*
- Is the boundary adjustment still proposed? *No longer needed.*
- Fault lines are in the area.
- Planning staff can provide example covenants.
- Previously submitted variance requests along the Madison River should be reviewed.
- A copy of the Code of the New West was given to the Ms. Stecker, to be presented to the landowner

8. Old Business

- A. Development Impact Fees**, status report – Charity Fechter – nothing to report. Michael Kakuk's fees are \$100/hour plus travel. Committee has not met again.

B. Subdivision Regulations

- i. Cluster Development – Jim Jarvis presented an overview of his report as included in the packet and on file. The effectiveness of cluster development regulations in other counties is still being researched. A staff report outlining possible incentives will be presented at the next Planning Board meeting.

Board Comments:

- PUDs have been effective in the Big Sky area. *PUDs have a specific application typically tied to land use.*
 - Cluster development is an option we can offer to a developer.
 - Item A, minimum total acreage - problem with a set number; too confining.
 - Madison County doesn't have many incentive options
 - Madison County probably doesn't want to hold easement
 - Drop item A – not needed, the value of the easement will drive the size of the open space. No need to restrict the size of the total acreage.
 - Leave item B at 50/50.
- ii. Other changes – Charity Fechter presented an overview of a list of subdivision regulation items being looked at for change – as provided in packet and on file. Because Karen Brown, GIS tech. has been out of town for the last two weeks, mapping items will be included at the next meeting. Utility exemptions allowed by state law are not currently included in our subdivision regulations and need to be.

C. Streamside Protection Regulations – status report

Jim Jarvis presented an overview of his report as included in the packet and on file.

Board Comments:

- Don't use minimum setbacks, use maximums looking at water quality, riparian, safety, etc.
- Trying to get Dr. Patton to come and speak to the steering committee.
- Is Exhibit C available? *It's still in loose format, to serve as a checklist to guide evaluation of a setback permit based on readily apparent site conditions.*
- What model is being used for the list of criteria? *Blend of several different plans.*
- Look into Ravalli County for suggestion
- Is the committee firm with the setback width? *No; will be revisited tomorrow night at the committee meeting.*
- Science and up-to-date information needed to justify numbers.

- Previously discussed constraint mapping of riparian areas will help identify important areas

D. Plan Development, continuing discussion

E. Other - No other items were raised.

9. New Business

A. Planning Board Member Reports

Laurie: Suggested to John, as new President that he read statement for public hearing only prior to a public hearing, and that he does need to read statement addressing pre-application process prior to pre-application discussion.

B. Planning Office Report: Charity Fechter gave an overview on her report as included in the packet and on file.

C. Planning Budget: Charity Fechter - Requested a working group to work on next year's budget. Dorothy Davis and Lane Adamson agreed to serve on that group.

Board Comments:

- Is there enough activity to warrant two planners? *Right now working on planning and it is one of the items to be looked at.*
- Work for Ennis? *Still haven't really heard anything.*

D. Designing the New West – April 16/17 - There is funding for Planning Board members to attend the Designing the New West. Kathy Looney and Lane Adamson expressed an interest.

E. Other

- Movement on the windmill project on Norris Hill? *Not at this time, and, not expecting it for about 2 years. Jim was at a meeting where a petition was presented that would require wind towers be subject to a public vote.*

10. Adjournment

MOTION: To adjourn at 8:18pm. Moved by Dave Maddison; seconded by Kathy Looney. Motion passed unanimously.

John Lounsbury, President Leona Stredwick, Secretary